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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 SHAWN GOODE,

Case No.: 3:18-cv-00362-RCJ-WGC

9 Petitioner

10 **ORDER**

11 v.

12 RUSSELL PERRY, et al.,

13 Respondents

14 Petitioner Shawn Goode has submitted a 28 U.S.C. § 2254 habeas corpus petition and has
15 now paid the filing fee (*see* ECF Nos. 1-1, 5). The court has reviewed the petition pursuant to
16 Habeas Rule 4, and it shall be docketed and served on respondents.

17 A petition for federal habeas corpus should include all claims for relief of which
18 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever
19 barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive
20 petitions). If petitioner is aware of any claim not included in his petition, he should notify the
21 court of that as soon as possible, perhaps by means of a motion to amend his petition to add the
22 claim.

1 **IT IS THEREFORE ORDERED** that the Clerk shall file and ELECTRONICALLY
2 SERVE the petition (ECF No. 1-1) on the respondents.

3 **IT IS FURTHER ORDERED** that the Clerk shall add Adam Paul Laxalt, Nevada
4 Attorney General, as counsel for respondents.

5 **IT IS FURTHER ORDERED** that respondents shall file a response to the petition,
6 including potentially by motion to dismiss, within **90 days** of service of the petition, with any
7 requests for relief by petitioner by motion otherwise being subject to the normal briefing
8 schedule under the local rules. Any response filed shall comply with the remaining provisions
9 below, which are entered pursuant to Habeas Rule 5.

10 **IT IS FURTHER ORDERED** that any procedural defenses raised by respondents in this
11 case shall be raised together in a single consolidated motion to dismiss. In other words, the court
12 does not wish to address any procedural defenses raised herein either *in seriatum* fashion in
13 multiple successive motions to dismiss or embedded in the answer. Procedural defenses omitted
14 from such motion to dismiss will be subject to potential waiver. Respondents shall not file a
15 response in this case that consolidates their procedural defenses, if any, with their response on
16 the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly
17 lacking merit. If respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a)
18 they shall do so within the single motion to dismiss not in the answer; and (b) they shall
19 specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in
20 *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses,
21 including exhaustion, shall be included with the merits in an answer. All procedural defenses,
22 including exhaustion, instead must be raised by motion to dismiss.

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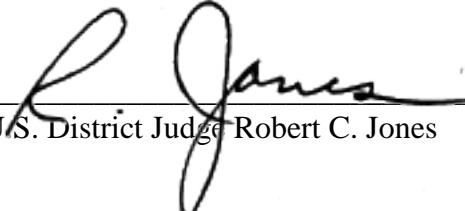
1 **IT IS FURTHER ORDERED** that, in any answer filed on the merits, respondents shall
2 specifically cite to and address the applicable state court written decision and state court record
3 materials, if any, regarding each claim within the response as to that claim.

4 **IT IS FURTHER ORDERED** that petitioner shall have **45 days** from service of the
5 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests
6 for relief by respondents by motion otherwise being subject to the normal briefing schedule
7 under the local rules.

8 **IT IS FURTHER ORDERED** that any additional state court record exhibits filed herein
9 by either petitioner or respondents shall be filed with a separate index of exhibits identifying the
10 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
11 number or numbers of the exhibits in the attachment.

12 **IT IS FURTHER ORDERED** that the parties SHALL SEND paper courtesy copies of
13 all exhibits to Clerk of Court, Attn: Staff Attorney, 400 S. Virginia St., Reno, NV, 89501.
14 Additionally, in the future, all parties shall provide courtesy copies of any additional exhibits
15 submitted to the court in this case, in the manner described above.

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17 Dated: December 21, 2018

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U.S. District Judge Robert C. Jones